

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Pamela Margaret Lewis, Individually and :
As Personal Representative of the Estate :
of Steve Edward Lewis, Deceased :
5 Coylton Avenue :
Rainhill Prescot Merseyside L35 OPT :
United Kingdom :

and :

Keith Whitehead and John Joseph :
Wroblewski as Co-Personal :
Representatives of the Estate of Philip :
Charles Gray, Deceased :
29/33 King Street :
Wigan Lancashire WN1 1EG :
United Kingdom :

Plaintiffs :

v. :

CIVIL ACTION NO.

LYCOMING a/k/a, d/b/a and/or f/k/a :
Lycoming Engines, Textron Systems :
Corporation, Textron, Inc., Textron, Avco :
Corporation, Textron Lycoming, Textron :
Lycoming Reciprocating Engine Division :
and/or Avco Lycoming :
652 Oliver Street :
Williamsport, PA 17701 :

and :

AVCO Corporation a/k/a, d/b/a and/or :
f/k/a Textron, Inc., Textron Systems :
Corporation, Textron Lycoming :
Reciprocating Engine Division, Avco :
Lycoming, Lycoming Engines and/or :
Lycoming :
201 Lowell Street :
Wilmington, MA 01887 :

and :

TEXTRON, Inc. a/k/a, d/b/a and/or f/k/a
Textron, Textron Systems Corporation,
Avco Corporation, Textron Lycoming,
Textron Lycoming Reciprocating Engine
Division, Avco Lycoming, Lycoming
Engines and/or Lycoming
40 Westminster Street
Providence, RI 02903

and :

TEXTRON SYSTEMS CORPORATION
a/k/a, d/b/a and/or f/k/a Textron, Inc.,
Textron, Avco Corporation, Textron
Lycoming, Textron Lycoming
Reciprocating Engine Division, Avco
Lycoming, Lycoming Engines and/or
Lycoming
40 Westminster Street
Providence, RI 02903

and :

PRECISION AIRMOTIVE LLC
14800 40th Avenue NE
Marysville, WA 98271

and :

PRECISION AIRMOTIVE
CORPORATION
3220 100th Street, SW Building E
Everett, WA 98204

and :

SCHWEIZER AIRCRAFT
CORPORATION
1250 Schweizer Road
Horseheads, NY 14845

and :

SCHWEIZER HOLDINGS, INC. :
1250 Schweizer Road :
Horseheads, NY 14845 :

and :

SIKORSKY AIRCRAFT :
CORPORATION :
6900 Main Street :
Stanford, CT 06615-9129 :

and :

UNITED TECHNOLOGIES :
CORPORATION :
United Technologies Building :
Hartford, CT 06101 :

and :

CHAMPION AEROSPACE LLC :
1230 Morris Road :
Liberty, SC 29657, :

Defendants :

NOTICE OF REMOVAL

**TO: CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

United States District Court
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Defendants, AVCO Corporation, on behalf of its Lycoming Engines Division, Textron Systems Corporation, and Textron Inc., file this Notice of Removal of the above-captioned action from the Court of Common Pleas of Philadelphia County, Pennsylvania, in which this action is now pending, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof, aver as follows:

1. This is a wrongful death and survival action arising from an aircraft accident on September 22, 2009, that occurred approximately thirty miles north of Liverpool, England, killing certified pilot Steven Edward Lewis and student under instruction Philip Charles Gray.

2. This action was commenced on September 21, 2011 by the filing of a complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania, which was docketed at September Term 2011, No. 02255 (hereinafter the "state court action"). A copy of the complaint in the state court action is attached hereto as Exhibit "A".

3. Eleven defendants were named in the state court action. Service of the complaint was made on Textron Systems Corporation, Precision Airmotive LLC, and Champion Aerospace LLC on October 3, 2011, with various other defendants served, by various means, on various dates thereafter, but no defendant was served with a copy of the complaint before October 3, 2011.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), well within thirty days of first receipt by any defendant of the complaint filed in the state court action.

5. A copy of this Notice of Removal is being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, and is being served upon plaintiffs and all parties of record pursuant to 28 U.S.C. § 1446(d).

6. This is the proper district for removal pursuant to 28 U.S.C. §§ 1332(a) and 1441(a) and (e)(1) in that the Eastern District of Pennsylvania encompasses the County of Philadelphia, and "is the district and division embracing the place where such action is pending."

7. Subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1332(a)(2) in that it is an action between citizens of a State and citizens or subjects of a foreign state.

8. Judicial economy, fairness, and convenience to the parties are served by removing the state court action to federal court.

9. Removal is proper because all the other defendants in this action consent to and join in the removal of this action to federal court. A Consent to Removal from defendants Precision Airmotive LLC, Precision Airmotive Corporation, United Technologies Corporation, Sikorsky Aircraft Corporation, Schweizer Holdings, Inc., Schweizer Aircraft Corporation, and Champion Aerospace LLC is attached hereto and incorporated by reference as Exhibits "B", "C", and "D", respectively.

10. All pleadings, process, orders, and other filings in the state court action are attached to this Notice of Removal as Exhibits "A", "E", "F", "G", "H", "I", "J", "K", and "L", respectively, as required by 28 U.S.C. § 1446(a).

11. Notice is being given to plaintiffs and all parties of record, as required by 28 U.S.C. § 1446(d), as shown by Exhibit "M".

SUBJECT MATTER JURISDICTION

12. The named plaintiffs are Pamela Margaret Lewis, individually and as Personal Representative of the Estate of Steven Edward Lewis, and Paul Whitehead and John Joseph Wroblewski, Co-Personal Representatives of the Estate of Philip Charles Gray, Deceased.

12. The complaint alleges that all three of the named plaintiffs and their decedents are or were citizens of the United Kingdom. See Compl. ¶¶ 1, 2.

13. While one of the plaintiffs is named individually, all three plaintiffs are named in a representative capacity, on behalf of the two Estates. See Compl. ¶¶ 1, 2.

14. For purposes of diversity pursuant to 28 U.S.C. § 1332(c)(2), "the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent...."

15. None of the defendants is a citizen of the United Kingdom or alleged to be a citizen of the United Kingdom or any other foreign state and, therefore, there is complete diversity of citizenship between plaintiffs and defendants.

16. Based on the wrongful death and survival action claims alleged in the complaint in the state court action, the amount in controversy is in excess of the \$75,000 jurisdictional requirement under 28 U.S.C. § 1332(a).

17. Accordingly, this Court has jurisdiction, founded on 28 U.S.C. § 1332(a)(2), over this action between citizens of a State and citizens of a foreign state, the amount in controversy exceeding \$75,000, exclusive of interest and costs.

REMOVAL JURISDICTION

18. Insofar as subject matter jurisdiction is being invoked pursuant to 28 U.S.C. §1332(a)(2), 28 U.S.C. § 1441(b) does not apply or operate to prevent removal, because there is no defendant that is a citizen of the forum.

19. Ten of the eleven defendants are alleged to be citizens of a State other than Pennsylvania. See Compl. ¶¶ 4, 5, 6, 11, 12, 14, 15, 16, 17, 20.

20. An eleventh defendant – named as “Lycoming a/k/a d/b/a and f/k/a Lycoming Engines, Textron Systems Corporation, Textron, Inc., AVCO Corporation, Textron Lycoming, Textron Lycoming Reciprocating Engine Division and/or Avco Lycoming” – is alleged to have “its principal place of business at 652 Oliver Street, Williamsport, Pennsylvania 17701.” See Compl. ¶ 3.

21. While that entity does indeed have a place of business in Williamsport, Lycoming County, it is an unincorporated operating division of AVCO Corporation and, as such, “shares its citizenship with that company” for purposes of 28 U.S.C. § 1332. 3CG LLC v. Textron Inc., No. 4:11-CV-00880, 2011 U.S. Dist. LEXIS 91792, at *5 (M.D. Pa. Aug. 11,

2011) (Kane, C.J.) (Lycoming Engines shares the citizenship of its parent, a citizen of Delaware and Massachusetts, for purposes of diversity jurisdiction) (citations omitted).

22. While other allegations of citizenship in the state court action are similarly inaccurate – for instance, Textron Systems Corporation has its principal place of business in Massachusetts, and not Rhode Island, as alleged – none of the defendants is a resident of the forum.

WHEREFORE, notice is given that the state court action is removed from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Dated: October 17, 2011

Respectfully submitted,



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Attorneys for Defendants AVCO
Corporation, on behalf of its Lycoming
Engines Division, Textron Systems
Corporation, and Textron Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 17, 2011, a true and correct copy of the foregoing **Notice of Removal** has been served, by first class mail, postage prepaid, upon the following:

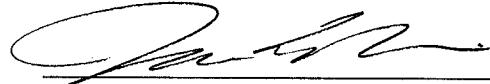
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